

DEPARTMENT OF THE INTERIOR**Bureau of Indian Affairs****Tribal Consultation of Indian Education Topics**

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Johnson O'Malley Program Issues.

SUMMARY: Notice is hereby given that the Bureau of Indian Affairs (BIA) is continuing its consultation effort to obtain written comments concerning proposed methods of determining Johnson O'Malley (JOM) contract funding amounts to be transferred to the Tribal Priority Allocation (TPA) category or the Special Programs and pooled overhead category of the Tribal Budget System.

DATES: Written comments should be mailed, to be received, on or before August 25, 1995.

ADDRESSES: Mail or Handcarry comments to the Bureau of Indian Affairs, Office of Indian Education Programs, Mail Stop 3512-MIB, OIE-21, 1849 C Street NW., Washington, DC 20240, Attention: Dr. John Tippeconnic; or, may be hand delivered to Room 3512 at the same address. Telefax responses may be transmitted to (202) 219-9583.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Gebroe or Ms. Loretta Draper at the above address or call (202) 219-1127.

SUPPLEMENTARY INFORMATION: The publication of this notice is a follow-up to consultation meetings conducted by the BIA since 1990. The purpose of the consultation, as required by 25 U.S.C. 2010(b), is to provide Indian tribes, school boards, parents, Indian organizations and other interested parties with an opportunity to comment on potential issues raised during previous consultation meetings or being considered by the BIA regarding Indian education program. Prior to finalizing the BIA's choice of method to be used in identifying tribal base funding levels for the JOM program, it is requesting

final comments and viewpoints on the two methods under consideration.

Both the House and Senate Reports accompanying the BIA's FY 1995 appropriation act transferred the JOM program from the "other recurring programs" account to the "TPA" account in the BIA's budget. Senate Report No. 103-294 stated that a portion of the JOM funds may be transferred to the Special Programs and pooled overhead category where such funding is not under tribal contracts i.e., states and public school districts. House Report No. 103-551 required the BIA to consult with tribes on the development of a method of determining each tribe's portion of the JOM program and to publish such proposed methods in the **Federal Register** prior to finalizing such a distribution method.

During October, 1994, the BIA formally consulted with Indian Country, as required by Pub. Law 95-561, and the FY 1995 House and Senate Report(s) language on the development of such a distribution method. Eleven regional tribal consultation meetings were held across the country with more than 2700 comments received on the various education consultation items. Most of the comments received on the JOM item were in opposition to the movement of the JOM program funds to the TPA budget category and preferred the program to be administered as currently is by formula distribution of funds. The majority of commentators chose not to agree with the Bureau's proposals and proposed another option for the Bureau to consider.

Based on information received from the Congress and through the Tribal Consultation process, the Bureau is seeking input from Indian country on two final proposed distribution methodologies. The following methods are being considered by the BIA for determining each tribe's share of the JOM program funds for allocation to the TPA budget category:

Method A: JOM funds distributed to tribes under the TPA, which are earmarked for supplemental

educational activities, according to tribal membership.

Method B: JOM funds distributed to tribes and non-tribal JOM contractors, which are earmarked for supplemental educational activities, according to service population.

Explanation of Method A: The following steps would be initiated for purposes of implementing this method:

1. Identify the number of JOM students by tribal enrollment in Federally recognized tribes.
2. Divide the total amount JOM funds by the number of FY 1995 students to arrive at an equal share per student.
3. Distribute the JOM funds by tribal enrollment times equal share.
4. Establish the base for each tribe under the TPA.

Explanation Method B: The following steps would be initiated for purposes of implementing this method:

1. Identify the number of JOM students served by all JOM contractors.
2. Using the FY 1995 distribution method, identify the amount of JOM funds each tribal JOM contractor receives to establish a base for each tribe.
3. Identify the amount of JOM funds each non-tribal JOM contractor (State and Public School Districts) receives.
4. Add another Line Item in budget, Special Programs and Pooled Overhead category entitled "Non-Tribal JOM Contractors".
5. Place the proportionate share of JOM funds that are provided to tribes, as tribal JOM contractors, for all JOM students served into each tribe's line item under the TPA.
6. Place the proportionate share of JOM funds that are provided to States and public school districts, as JOM contractors, for all JOM students served into the Non-Tribal JOM contractor line item under the TPA category.

Dated: July 20, 1995.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

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